

## Chapter 14.65

### PROHIBITION ON SMOKING IN PUBLIC PARKS AND PLAYGROUNDS AND OTHER CITY-OWNED PROPERTY

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#### **14.65.010 Findings; Purpose.**

A. UTAH CODE ANN. section 26-38-6 allows the city to restrict smoking in outdoor places of public access which are owned or operated by a political subdivision of the state.

B. Tobacco smoke is a form of air pollution and is a danger to the health, safety and welfare of the public.

C. The city council has determined that it is in the best interests of the city to protect the health, safety and welfare of the public in their use of parks, recreational areas and city-owned property as provided in this chapter.

D. The purpose of this chapter is to provide a legal framework to protect the public health, safety and welfare from the dangers posed by tobacco smoke in certain outdoor settings.

#### **14.65.020 Definitions.**

For purposes of this chapter:

A. "Public parks and playgrounds" shall mean and include:

1. Antczak park;
2. Bair park (also known as Golden Hills park);

3. Berry Hill park;
  4. Butler park (the grounds of Cottonwood Heights Community Recreation Center);
  5. Bywater park (also known as Banberry park);
  6. Cottonwood Heights park (playing fields adjacent to Butler park);
  7. Crestwood park;
  8. Little Cottonwood park;
  9. Mill Hollow park;
  10. Old Mill park;
  11. Richard L. Gutrie skate park;
  12. Willow Creek park (pocket park on Supernal Way);
  13. The grounds of any public school located within the city; and
  14. Any other ball diamond, pocket park, soccer field, linear park/trail, bleachers and spectator areas, picnic pavilion and shelter, outdoor swimming pools, outdoor ice rinks, outdoor amphitheatres, playgrounds, and any other place within the city owned by a political subdivision of the state of Utah that is now or hereafter set aside or used as a public park, playground, recreational area or the like.
- B. "Smoke" or "smoking" shall mean and include possession, carrying or holding a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting or emitting or exhaling of smoke of a pipe, cigar, or cigarette of any kind, or of any other lighted smoking equipment.

#### **14.65.030 Outdoor smoking prohibited in public parks and playgrounds.**

Smoking is prohibited in all public parks and playgrounds except those areas, if any, specifically designated (through signage) by the owner or operator of such public park or playground as smoking areas.

#### **14.65.040 Smoking prohibited on city-owned property at and during city-sponsored events.**

Smoking is prohibited in all city-owned

property at and during city-sponsored events except those areas, if any, specifically designated by the city as smoking areas.

**14.65.050      Smoking prohibited near transit stops.**

Smoking is prohibited within 25 feet of any bus stop or other public transit stop or station in the city.

**14.65.060      Penalties.**

A “first offense” violation of this chapter is an infraction punishable by a fine not to exceed \$25.00 but not by imprisonment. Police officers shall have the discretion to issue a “warning” if they deem it is in the city’s best interests for a first offense under this chapter. Second, and subsequent, offenses of this chapter are punishable as a Class C misdemeanor.